IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1471 OF 2006

Yash Agarwal ..Petitioner
versus
1. State of Maharashtra
2. Suchita Agarwal ..Respondents

Mr. Garud i/b. M/s. Khaitan & Jayakar for the Petitioner.
Mrs. A. S. Pai, APP for the Respondents - State.
Mr. Rishi Buta for the Respondent No.2.
Respondent No.2 present in person.

CORAM : D. G. DESHPANDE, &
S. A. BOBDE, JJ.
DATE : 21ST JULY, 2006

P.C. :

1. Heard Advocate for the petitioner, learned APP and respondent No.2 along with her Advocate. Rule, returnable forthwith, by consent.

2. Respondent No.2 is the wife of the petitioner. She had filed a complaint under Section 498-A of IPC. However, in between they have obtained divorce by mutual consent from the Family Court at Hyderabad on 10.7.2006, and, this fact is admitted by the Respondent No.2, who is present in person. Respondent No.2 also states that she does

not want to carry the matter any further and she wants to compromise or compound the offence under section 498-A of IPC registered against the petitioner - husband and his relatives. She was made aware that this compounding of offence, will result in acquittal of the petitioner - accused, to which she has no objection. We have recorded the statement as above. Affidavit of Respondent No.2 - original complainant in this regard is tendered by her Advocate, the same is taken on record. She admits her signature thereupon and also the contents of the affidavit.

3. Counsel for the petitioner relied upon the judgment of the **Supreme Court reported in (2003) 4 SCC 675 B. S. Joshi & Ors. vs. State of Haryana & Anr.,** in view of this judgment, C.R. No. 25 of 2006 registered with the Meghwadi Police Station, Mumbai, under Section 498-A r/w. Section 34 and u/s. 406 of IPC, at the instance of the respondent No.2, is quashed. Bail bond furnished by the petitioner - accused stands cancelled. Petition is allowed. Rule made absolute.

(D.G. DESHPANDE, J.)

(S.A. BOBDE, J.)